

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JO FERRIS,

Plaintiff,

v.

1:05-CV-0350 NPM/VEB

MICHAEL ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

LEGAL AID SOCIETY OF
NORTHEASTERN NEW YORK
Attorney for Plaintiff
112 Spring Street, Suite 109
Saratoga Springs, New York

MARY MARTHA WITHINGTON, ESQ.

OFFICE of the U.S. ATTORNEY
Attorney for Defendant
100 South Clinton Street
Syracuse, NY 13261-7198

WILLIAM H. PEASE, AUSA

Neal P. McCurn, Senior District Judge

Order

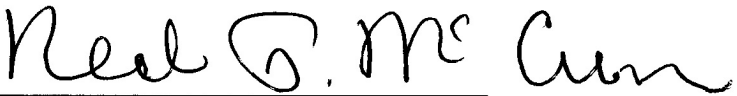
Plaintiff Jo Ferris brings this action pursuant to the Social Security Act, 42 U.S.C. §§ 405(g), 1383(c)(3), seeking review of a final decision of the defendant Commissioner of Social Security (“the Commissioner”), denying her application for disability insurance benefits (“DIB”) and supplemental security income (“SSI”). By Report-Recommendation dated September 1, 2009, the Honorable

Victor E. Bianchini, United States Magistrate Judge, finds that the Commissioner's decision contains legal error and is not supported by substantial evidence, and therefore recommends that the Commissioner's decision denying DIB and SSI be remanded for further proceedings in accordance with his recommendation and pursuant to sentence four of 42 U.S.C. § 405(g). Neither party having objected thereto, and this court having carefully reviewed same for clear error, this court adopts the Report-Recommendation in its entirety. See 28 U.S.C. § 636(b)(1).

Accordingly, for the reasons set forth above, the recommended ruling (Doc. No. 18) is hereby APPROVED and ADOPTED. This case is REMANDED to the Commissioner, as set forth in the recommended ruling, for further proceedings consistent with the recommended ruling of the magistrate judge.

SO ORDERED.

September 23, 2009
Syracuse, New York



Neal P. McCurn
Senior U.S. District Judge